

----- Original Message -----

From: Bill Lider

To: Walters, Tracie (ECY)

Cc: Craig Young ; Gred Stegman, Ecology

Sent: Thursday, November 03, 2005 5:16 PM

Subject: Re: Collins Hill Plat 03-110651

Thank you. Greg met with myself and Craig Young of Snohomish County Surface Water Management in early September at this site so he is familiar with the issues. Greg is in error--the developer misrepresented the project size and it appears to be over 5-acres.

A significant release of turbid water occurred at this site today which was confirmed by Craig Young. The site was left uncovered, with totally inadequate TESC measures in place, despite my numerous e-mail complaints and photographs submitted to Snohomish County Planning Development Services. Only after Craig once again notified PDS was action finally taken. I noted the contractor placing straw on the site. I suspect that it is not weed free and may introduce noxious weeds to the Poplar and Scriber Creek stream buffers. It was too dark when I returned home tonight to see if even these belated measures were adequate.

I would like to know, in writing, why Ecology has not taken action to enforce issuance of a construction NPDES permit. Even the inadequate measures spelled out in their SWPPP were not installed. Only after the damage occurred, was a halfway decent effort made on erosion and sediment control. This is no excuse to allow a turbid water release in violation of WAC 173-200A.

Significant damage is occurring to the Poplar Creek stream buffer with no mitigation. Again, please let me know in writing exactly when and what enforcement actions you plan to take.

Wm. Lider

425-776-0671(H)

206-382-5260(W)

----- Original Message -----

From: Walters, Tracie (ECY)

To: Bill Lider

Sent: Thursday, November 03, 2005 3:15 PM

Subject: RE: Collins Hill Plat 03-110651

Your complaint has been referred to our Shorelands Dept. Stormwater inspector Greg Stegman has determined that this site did not require an NPDES permit as it is less than 5 acres in size. Shorelands will assess the buffer issues.

Tracie Walters

NWRO ERTS Coordinator

twal461@ecy.wa.gov

3190 160th AVE SE

Bellevue, WA 98008-5452

Notice of Intent to Sue -
Attachment 24

425-649-7000 / 7229

Fax: 425-649-7098

-----Original Message-----

From: Bill Lider [mailto:bill.lider@verizon.net]

Sent: Wednesday, November 02, 2005 4:58 PM

To: Walters, Tracie (ECY)

Subject: Re: Collins Hill Plat 03-110651

Tracie--What is happening with my complaint? Has it been investigated yet?

Significant rilling is occurring in the "water quality" bioswale. Have you looked at the site lately?

----- Original Message -----

From: Bill Lider

To: Walters, Tracie (ECY)

Sent: Thursday, October 20, 2005 4:34 PM

Subject: Re: Collins Hill Plat 03-110651

This complaint is a follow up on a past complaint at the same site. The project is located at the northeast corner of the intersection of Larch Way and Poplar Way in Lynnwood, WA, Snohomish County.

You need to contact Craig Ladiser at Snohomish County for additional information. Basically the stream buffer to Poplar Creek is getting trashed and there is no proposed mitigation. Attached are photos I took last weekend, however it is much worse now.

Again the applicant misrepresented the project area on the permit to Snohomish County and it appears that a NPDES Construction permit should have been obtained, but was not.

When can I expect action on my complaint?

----- Original Message -----

From: Walters, Tracie (ECY)

To: Bill Lider

Sent: Thursday, October 20, 2005 9:50 AM

Subject: RE: Collins Hill Plat 03-110651

My apologies in my slow response to your email. It has been a very busy week here at Ecology.

I will process your complaint as quickly as I can. However, I need a little more information before I can proceed.

The only street I see mentioned in your email is Larch Way. I will be using this as the address in the report. If this is incorrect, please let me know. I also need a city, or the closest city.

If you have the applicant's name and contact information, that would be very helpful as well.

Thank you,

Tracie Walters

NWRO ERTS Coordinator

twal461@ecy.wa.gov

3190 160th AVE SE

Bellevue, WA 98008-5452

425-649-7000 / 7229

Fax: 425-649-7098

-----Original Message-----

From: Bill Lider [<mailto:bill.lider@verizon.net>]

Sent: Sunday, October 16, 2005 4:59 PM

To: Ladiser, Craig; Hurley, Jack

Cc: Craig Young; Walters, Tracie (ECY); Stegman, Greg

Subject: Collins Hill Plat 03-110651

Importance: High

I am following up on my previous e-mails regarding the subject project.

I would like to know exactly what is the County policy regarding issuance of grading permits without verification that the applicant having received all necessary environmental permits. As I written on a number of earlier occasions, the applicant under reported the actual disturbed area which appears to very close, if not over the 5-acre threshold requiring an NPDES permit.

1. Has the County contacted the applicant and have you received a revised calculation with CAD file backup for the subject project?
2. It appears that this project should have obtained a NPDES permit. Why did the County issue the grading permit without confirming that a NPDES permit was obtained?
3. There has been major soil disturbance within the Poplar Creek stream buffer, what mitigation is being proposed by the applicant?

I also observed the site this date, took a number of photographs, and noted the following issues:

1. As I reported to you earlier, the contractor is "short cutting" the stabilized construction entrance. Significant amounts of soil are being tracked onto Larch Way. The stabilized entrance needs to be repaired and fencing installed on each side, full length to assure that construction equipment exiting the site use the stabilized entrance. Will the Contractor be required to apply "best science" requirements to prevent tracking of soil onto County roads?
2. Why has the County not enforced the winter 2-day cover rule at this site? Hydroseeding was ineffective and there is rilling continuing on the site. Large areas of the site remain un-protected and exposed to erosion.

3. Catch basins have been installed on site, but have mud and debris are in their catchments. No catch basin inserts have been installed on site. What is being done about this?
4. Clearing has occurred and soils have been disturbed within the Poplar Creek stream buffer. There no erosion protection has been installed in this area. Why not? No triangular silt dike have been installed in this area as required by the approved TESC plans. Again, what is the proposed mitigation for the damage to the stream buffer?
5. The northerly catch basin insert on Poplar Way has been removed and tossed up on the side of the road. Why are the TESC measures not being maintained?

Please reply promptly to this e-mail and make sure that a copy is placed in the project file.

By copy to the Washington State Department of Ecology I am requesting an investigation of the damage to the stream buffer and appropriate corrective action.

--

Richard A. Smith
Smith & Lowney, PLLC
2317 E. John St.
Seattle, WA 98112
(206) 860-2124; fax (206) 860-4187
rasmithwa@igc.org
<http://www.smithandlowney.com/>

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